

Listing of Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Currently amended) A mobile station for use in a communication system having a base station, the mobile station comprising:

receiver means for receiving from the base station a first downlink signal,

measurement means for measuring a parameter of a portion of the received first downlink signal, where the portion of the received first downlink signal is modulated with only non-predetermined data values and no pilot data values; and
transmitter means for transmitting either (i) first power control commands generated by the mobile station in response to the measured parameter or (ii) second power control commands derived from the non-predetermined data values;

power control means for generating first power control commands in response to the measured parameter; and-

transmitter means for transmitting the first power control commands to the base station;

wherein said portion of the received first downlink signal has been modulated with non-predetermined data values

wherein determination of which power control commands to transmit is based on a predetermined error rate.

2. (Currently amended) [[A]] The mobile station as claimed in claim 1, wherein the receiver means is adapted configured to receive from the base station a second, non-power controlled downlink signal and to derive a channel estimate from the second downlink signal, and to employ the channel estimate to decode the first downlink signal.

3. (Currently amended) [[A]] The mobile station as claimed in claim 1 or 2, wherein the power control means is adapted to decode the non-predetermined data values comprising second power control commands and to adjust the a transmit power of the transmitter means in accordance with the decoded second power control commands decoded by a power control means.

4. (Currently amended) [[A]] The radio communication system comprising a base station and at least one mobile station as claimed in claim 1. mobile station as claimed in claim 1, wherein the communication system is a radio communication system comprising a base station and at least one station.

5. (Currently amended) [[A]] The radio communication system as claimed in claim 4, wherein the base station comprising includes:

a receiver means for receiving the first power control commands; and
a transmitter means for transmitting the first downlink signal modulated with the non-predetermined data values and subjected to transmit power control in accordance with the first transmit power control commands.

6. (Cancelled)
7. (Cancelled)
8. (Cancelled)
9. (New) A method of operating a communication system comprising a base station and at least one mobile station, the method comprising:
 - receiving from the base station a first downlink signal via a receiver means;
 - measuring a parameter of a portion of the received first downlink signal via a measurement means, where the portion of the received first downlink signal is modulated with only non-predetermined data values and no pilot data values; and
 - transmitting either (i) first power control commands generated by the mobile station in response to the measured parameter or (ii) second power control commands derived from the non-predetermined data values via a transmitter means;

wherein determination of which power control commands to transmit is based on a predetermined error rate.
10. (New) The method as claimed in claim 9, wherein the receiver means is configured to receive from the base station a second, non-power controlled downlink signal and to derive a channel estimate from the second downlink signal, and to employ the channel estimate to decode the first downlink signal.

11. (New) The method as claimed in claim 9, wherein the non-predetermined data values adjust a transmit power of the transmitter means in accordance with the second power control commands decoded by a power control means.

12. (New) The method as claimed in claim 9, wherein the communication system is a radio communication system including a plurality of mobile stations.